REMARKS

[0003]   Applicant respectfully requests entry of the following remarks and reconsideration of the subject application. Applicant respectfully requests entry of the amendments herein. The remarks and amendments should be entered under 37 CFR. § 1.116 as they place the application in better form for appeal, or for resolution on the merits.

[0004]   Applicant respectfully requests reconsideration and allowance of all of the claims of the application. Claims 1-9, 11-31, 33-46, and 55-59 are presently pending. Claims amended herein are 1, 16, 21, 29, 33-44, 37, and 44. Claims withdrawn or cancelled herein are 10, 32, and 47-54. New claims added herein are 55-59.

Statement of Substance of Interview

[0005]   Examiner Chio graciously talked with Michael D. Carter—the undersigned representative for the Applicant—on September 22, 2008. Applicant greatly appreciates the Examiner's willingness to talk. Such willingness is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

[0006]   During the interview, I discussed how the claims differed from the cited references, namely Jaisimha. Without conceding the propriety of the rejections and in the interest of expediting prosecution, I also proposed several possible clarifying amendments.

[0007]   More specifically, it was discussed with Examiner Chio that further clarification regarding the proposed claim amendment of omitting the recording component was needed in view of Fig. 8b of Jaisimha. Amendments are presented herein based on the discussion with the Examiner

[0008]   Applicant herein amends the claims in the manner discussed during the interview. Accordingly, Applicant submits that the pending claims are allowable over the cited references of record for at least the reasons discussed during the interview.

Formal Request for an Interview

[0009]   If the Examiner's reply to this communication is anything other than allowance of all pending claims, then I formally request an interview with the Examiner. I encourage the Examiner to call me—the undersigned representative for the Applicant—so that we can discuss this matter so as to resolve any outstanding issues quickly and efficiently over the phone.

[0010]   Please contact me to schedule a date and time for a telephone interview that is most convenient for both of us. While email works great for me, I welcome your call as well. My contact information may be found on the last page of this response.

Claim Amendments and Additions

[0011]   Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicant amends claims 1, 16, 21, 29, 37, and 44 herein.   Applicant amends claims to clarify claimed features.   Such amendments are made to expedite prosecution and to more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

[0012]   Furthermore, Applicant adds new claims 55-59 herein. These new claims are fully supported by the Application and therefore do not constitute new matter.

Substantive Matters

Claim Rejections under § 102 and § 103

[0013]   The Examiner rejects claims 1-10, 15, 16, 18-20, 29-34, 36-40, 42 and 47-54 under § 102. For the reasons set forth below, the Examiner has not shown that the cited reference anticipates the rejected claims.

[0014]   In addition, the Examiner rejects claims 11-14, 17, 21-28, 35, 41, and 43-46 under § 103. For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious.

[0015]   Accordingly, Applicant respectfully requests that the § 102 and § 103 rejections be withdrawn and the case be passed along to issuance.

[0016]   The Examiner's rejections are based upon the following references alone and in combination:

- **Jaisimha:** *Jaisimha, et al.,* US Patent No. 6,487,663 (issued November 26, 2002);
- **Kimura:** *Kimura, et al.,* US Patent No. 6,744,975 (issued June 1, 2004); and
- **Horie:** *Horie, et al.,* US Patent Publication No. 2002/0094191 (published July 18, 2002);

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Overview of the Application

[0017]   The Application describes a technology for rendering and recording multimedia content at a computer. The multimedia content may be streamed from a source such as an Internet website, received at the computer, and rendered by the computer. The rendering may include recording the multimedia content if the computer is so authorized by adding a recording component to a linked set of components or filters that perform the rendering of the multimedia content. If the computer is not authorized to record the multimedia content, the recording component is disabled or left out; however, the multimedia content may be processed and rendered through the linked set of components without the recording component.

Cited References

[0018]   The Examiner cites Jaisimha as the primary reference in the anticipation- and obviousness-based rejections. The Examiner cites Kimura and Horie as secondary references in the obviousness-based rejections.

Jaisimha

[0019]   Jaisimha describes a technology for regulating the transmission of media data. In accordance with one embodiment of the invention, a header portion of a media file is encoded to include an access code. The access code corresponds to one or more permitted methods by which the media file may be transmitted over a network. In one embodiment, a user operates a web browser

to access a web page including a hyperlink which references the media file and specifies a desired type of transmission. Desired types of transmission include, for example, streaming transmission and faster than real time reliable download. When the hyperlink is activated, a web server sends a URL referencing the media file to the web browser. The web browser passes the URL to the media player. The media player requests the media file from a media server. The media server transmits the header of the media file, and the media player extracts the access code to determine whether the media file may be transmitted according to the desired type of transmission. If so, the media server transmits the media file using the desired type of transmission, and the media player renders the media data into video, sound or image signals. If the media player receives the media data using a type of transmission that permits storing the media data locally, the media player may transfer the media data to a portable media player.

Kimura

[0020]   Kimura describes a technology for a video and audio multiplex recording apparatus. An allocation table of a unit video block and a unit audio block is generated in a control section, and a control signal is generated according to the allocation table. Multiplexing data of the data structure in which each unit video block corresponds to each unit audio block in 1 to 1, is outputted from a multiplexer according to the control signal. Accordingly, the correspondence of the audio data to the video data is distinct, and the audio insert can be easily conducted. Further, because the data structure which is not discontinuous at the start portion of the overwrite of the audio data, is formed

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according to the allocation table, thereby, the audio insert in which noises do not occur at the time of reproducing, can be conducted, and the fine quality audio editing can be conducted.

Horie

[0021]   Horie describes a technology for a record and playback apparatus recording and playing back an image by using a storage medium capable of random accessing, a program and a record medium therefor. An object of the present invention is to provide a record and playback apparatus visually and comprehensively displaying information recorded in a storage medium, performing a sufficient information display for a user by utilizing the display to receive an input from the user, and having an easy operation property, and a record medium therefor. In order to achieve the object, the present invention provides a record and playback apparatus including: a quantitative display unit of visually quantitative displaying a record time of a record-completed image recorded in the storage medium and the remaining recordable time; a record indicator control unit of displaying at least one of a playback position in the quantitative display of an in-playing back image or a record position in the quantitative display of an in-recording image; and an indicator selection and execution unit of selecting at least one of the playback indicator, the record indicator and the quantitative display each of which is a display object, and of executing a predetermined process based on a predetermined command to be inputted and the display object to be selected, and a record medium.

Anticipation Rejections

[0022]   Applicant submits that the anticipation rejections are not valid because, for each rejected claim, no single reference discloses each and every element of that rejected claim.[1]   Furthermore, the elements disclosed in the single reference are not arranged in the manner recited by each rejected claim.[2]

Based upon Jaisimha

[0023]   The Examiner rejects claims 1-10, 15-16, 18-20, 29-34, 36-40, 42, and 47-54 under 35 U.S.C. § 102(e) as being anticipated by Jaisimha. Applicant respectfully traverses this rejection. Based on the reasons given below, Applicant asks the Examiner to withdraw the rejection of these claims.

Independent Claim 1

[0024]   The Examiner indicates (Action, page 3) the following with regard to claim 1:

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[1] "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); also see MPEP §2131.

[2] See *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

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Consider claims 1, 29, and 47, Jaisimha et al. teach a method comprising: receiving multimedia content from a source (Fig. 5); creating a linked set of components to process the multimedia content (col. 8, lines 28-30 and col. 9, lines 16-23); determining authority to record the multimedia content (col. 13, lines 19-28); providing a recording component in the linked set of components to record the multimedia content if authorized to record the multimedia content (col. 13, lines 19-28); and rendering the multimedia content with use of the linked set of components (col. 12, lines 52-61).

[0025]   Claim 1, as amended, recites a method comprising receiving multimedia content from a source; creating a linked set of components to process the multimedia content; determining authority to record the multimedia content; providing a recording component in the linked set of components to record the multimedia content if authorized to record the multimedia content; and rendering the multimedia content with use of the linked set of components, with the recording component being omitted if not authorized to record the multimedia content.

[0026]   Jaisimha does not disclose or show "providing a recording component in the linked set of components to record the multimedia content if authorized to record the multimedia content... **_with the recording component being omitted if not authorized to record the multimedia content_** [emphasis added]."

[0027]   Jaisimha is completely silent with respect to omitting a recording component if the recording component is not authorized to record multimedia content. Instead, Jaisimha shows checking access codes associated with a media

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file and if they are not access codes relating to recording the media file, the media player does not record the streamed media data. See column 13, lines 33-35. However, Jaisimha has no mention of omitting the recording component if the recording component is not authorized to record the media file. Jaisimha merely shows not recording the media file.

[0028]   Further, in the in the Examiner Interview on September 22, 2008, Examiner Chio alleged that Fig. 8b and specifically, steps 828 and 830, of Jaismha showed the omitting the recording component if the media player is not authorized to record the media file. However, it is respectfully contended that Jaismha does not teach this. More specifically, referring to Fig. 8b and the accompanying text in the specification at column 12, lines 4-27, it is stated that at step 828, the media player determines whether it is capable of decoding the media data. The media player does so by accessing the encoding type field thereof and compares the bits of the encoding field to values in rows of a table, with each row corresponding to encoding/decoding technology supported by the media player. If the bits match a row, then the media player can decode the media data. However, if the bits do not match a row, the media player cannot decode the media data, and at step 830 the media player terminates the session. It is therefore evident that the media player is terminated in view of it's capability to encode/decode the media data and not terminated as a result of the media player being authorized to record the media data. The Applicant's invention of claim 1, however, recites the recording component being omitted if not authorized to record the multimedia content.

[0029]   Consequently, Jaisimha does not disclose all of the elements and features of this claim. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

Dependent Claims 2-10, 15, 16, and 18-20

[0030]   In addition to its own merits, dependent claims 2-10, 15, 16, and 18-20 are allowable for the same reasons that independent claim 1 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 2 and 4-9.

Independent Claim 29 and dependent claims 30-31, 33-34, and 36

[0031]   Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Jaisimha does not disclose all of the claimed elements and features of independent claim 29, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 30-31, 33-34, and 36 are allowable for the same reasons that independent claim 29 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 30-31, 33-34, and 36.

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Independent Claim 37 and dependent claims 38-40 and 42

[0032]   Applicants respectfully contend that the arguments set forth above with respect to independent claim 1, as amended, applies with equal weight here and Jaisimha does not disclose all of the claimed elements and features of independent claim 37, as amended. Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim. Further, dependent claims 38-40 and 42 are allowable for the same reasons that independent claim 37 is allowable. Applicant requests that the Examiner withdraw the rejection of dependent claims 38-40 and 42.

Obviousness Rejections

Lack of *Prima Facie* Case of Obviousness (MPEP § 2142)

[0033]   Applicant disagrees with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Jaisimha in view of Kimura; Jaisimha in view of Horie; Jaisimha in view of Kimura and Horie; and Jaisimha in view of Kimura and Hazra

[0034]   The Examiner rejects claims 11-14, 21, 23-28, 35, 41, and 44-45 under 35 U.S.C. § 103(a) as being unpatentable over Jaisimha in view of Kimura; claims 17 and 43 under 35 U.S.C. § 103(a) as being unpatentable over Jaisimha in view of Horie; claim 46 under 35 U.S.C. § 103(a) as being unpatentable over Jaisimha in view of Kimura and Horie; and claim 22 under 35 U.S.C. § 103(a) as being unpatentable over Jaisimha in view of Kimura and Hazra. Applicants respectfully contend that the remaining cited art does not overcome the deficiencies of Jaisimha. Applicant asks the Examiner to withdraw the rejection of these claims.

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New Claims

[0035] New claim 55 recites a method comprising receiving multimedia content from a source; creating a linked set of components to process the multimedia content; determining authority to record the multimedia content; providing a recording component in the linked set of components to record the multimedia content if authorized to record the multimedia content; and rendering the multimedia content with use of the linked set of components, with the recording component being omitted if not authorized to record the multimedia content, establishing a user interface component to the recording component, wherein the user interface component has a view associated therewith, wherein the user interface component is destroyed when a differing view of the user interface component is chosen.

[0036] Jaisimha does not disclose or show "establishing a user interface component to the recording component, wherein the user interface component has a view associated therewith, wherein ***the user interface component is destroyed when a differing view of the user interface component is chosen*** [emphasis added]."

[0037] Jaisimha is completely silent with respect to destroying the user interface when a differing view is chosen. Instead, Jaisimha shows a RealPlayer in a computer (See column 8, lines 28-30), but has no mention of destroying the RealPlayer much less destroying the RealPlayer when a differing view of the RealPlayer is chosen.

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[0038]   As shown above, the cited art, alone or in combination, does not teach or suggest all of the elements and features of this claim.   Accordingly, Applicant asks the Examiner to withdraw the rejection of this claim.

New Dependent Claims 56-59

[0039]   Applicants respectfully contend that the arguments set forth above with respect to new claim 55 applies with equal weight here and the cited art, alone or in combination, does not disclose all of the claimed elements and features of new dependent claims 56-59.

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Conclusion

[0040]   All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the **Examiner is urged to contact me before issuing a subsequent Action**. Please call or email me at your convenience.

Respectfully Submitted,

Lee & Hayes, PLLC
Representatives for Applicant

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